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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/022,019 | 12/14/2001 | Timothy Glyn Hankins | 52308-1071 | 4883 |
| 24504 | 7590 | 06/12/2003 | | |
| THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948 | | | EXAMINER | |
| | | | ST CYR, DANIEL | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2876 | | |

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|---------------------------|-----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/022,019 | HANKINS, TIMOTHY GLYN |
| | Examiner Daniel St.Cyr | Art Unit 2876 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 March 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 4-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 4-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 3/24/03 in which claim 1 was canceled and claim 15 was added.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. ~~Claims 4 and 6-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Scroggie et al, US Patent No. 6,014,634.~~

Scroggie et al disclose a system and method for providing shopping aids and incentives to customers through a computer network comprising: a processing unit a product or service (shopping list index, offer browser, recipe index, etc.) database, selection means for selecting a particular product or service listed in the database, said processing including database management means operable to generate a sub-database specific to each user using the system and remote user means operable by a user for identifying a product or service of one or more predetermined user preferences,, the remote user means including transmitting means operable to transmit the product or service identifier and the user identifier to the processing unit for

processing therein, wherein substantially all the processing of data is carried out in the processing unit (see col. 6, line 5+ and col. 14, line 2+).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shepley, US Patent No. 5,478,989, cited by the applicant, in view of Scroggie et al. The teachings of Scroggie et al have been discussed above.

Shepley discloses nutritional information system for shoppers comprising: means 18 for advising a user in selecting a product, including means (bar code) for identifying a product, and transmitting means (communication from the cart to central system) to a remote system processing unit the product and to the user of the portable device. (see figures 1, 2, and col. 6, lines 14-59).

Shepley fails to disclose or fairly suggest generating a temporary sub-database.

Scroggie et al disclose generating a sub-database (see above).

In view of Scroggie et al's teachings, it would have been obvious for an artisan at the time the invention was made to generate a temporary sub-database for each customer when visiting the shopping store. Such modification would allow more direct targeting of each customer by providing more information specific to each individual customer, which would make the system more effective. Therefore, it would have been an obvious extension as taught by Shepley.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fajkowski, US Patent No. 5,905,246, disclose a method and apparatus for coupon management and redemption.

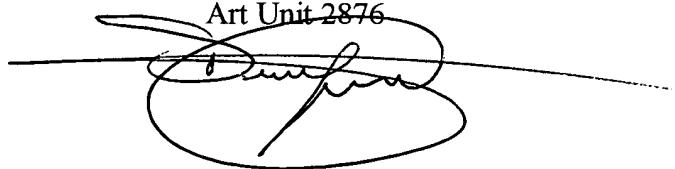
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Primary Examiner
Art Unit 2876

DS
June 10, 2003

A handwritten signature of "Daniel St.Cyr" is written over a horizontal line. Below the signature, the text "Art Unit 2876" is handwritten. The signature is enclosed in an oval shape.